

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

ORDER

AND NOW, this 7th day of February 2005, it appearing that this Court is vested with authority, pursuant to 28 U.S.C. §§2071(b), 2077 and Federal Rule of Civil Procedure 83, to promulgate Local Civil Rules not inconsistent with the Federal Rules of Civil Procedure and applicable statutes,

AND, it appearing that the judges of the court, on October 25, 2004, approved for publication and solicitation of comment, Rule 5.1.5 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, *Documents Filed Under Seal*,

AND, it further appearing that no comments were received in response to the publication of notice and solicitation of comment, it is hereby

ORDERED that, in accordance with the Resolution approved by the judges of this Court on February 7, 2005, Rule 5.1.5 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, *Documents Filed Under Seal*, will read as follows:

LOCAL RULE OF CIVIL PROCEDURE 5.1.5, *Documents Filed Under Seal*

- (a) A document in a civil action may be filed under seal only if:
 - (1) the civil action is brought pursuant to a federal statute that prescribes the sealing of the record or of certain specific documents; or
 - (2) the Court orders the document sealed.
- (b)
 - (1) Where a document is sealed pursuant to § 5.1.5(a)(1), the continued status of the document under seal shall be governed by the relevant federal statute. If no federal statute governs, §§ 5.1.5(b)(2) and (c) shall apply.
 - (2) When a document is sealed pursuant to § 5.1.5(a)(2), the document, if it remains in the custody of the Court, shall not be unsealed for two years after the conclusion of the civil action including all appeals, unless the Court orders otherwise.

- (c) If a document is still sealed at the conclusion of the two- year period and the Court has not entered an order continuing its sealed status beyond that time, the Clerk of Court shall notify the attorney for the party having submitted the sealed document at the attorney's address on the docket that the document will be unsealed unless the attorney or the submitting party advises the Clerk within sixty (60) days that said attorney or submitting party objects. If the attorney or submitting party objects to the unsealing of the document or if the Clerk's notification is returned unclaimed, the Court will make a determination, on a case-by-case basis, whether to maintain the document under seal, to unseal it, or to require further notification.

Therefore, this 7th day of February 2005, it is further

ORDERED that Rule 5.1.5 of the Local Rules of Civil Procedure is approved and adopted, to be effective March 1, 2005. It is further

ORDERED that the Clerk of Court transmit a copy of Rule 5.1.5 of the Local Rules of Civil Procedure to the Director of the Administrative Office of the United States Courts and the Judicial Council of the Third Circuit Court of Appeals and make said Rule available to the bar and public.

FOR THE COURT:

JAMES T. GILES,
Chief Judge